



**MEMORANDUM**  
**OFFICE OF THE GENERAL COUNSEL**

To: Aaron S. Williams, Director

From: Carl R. Sosebee, Designated Agency Ethics Official

Date: August 24, 2009

Subject: President Obama's Ethics Pledge – Limited Waiver on Particular Matters Pertaining to National Peace Corps Association

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**EXECUTIVE SUMMARY**

Pursuant to Section 3 of Executive Order 13490 (January 21, 2009), and delegated authority from the Director of the Office of Management and Budget, this is a limited waiver permitting you to participate in or speak at meetings and conferences or other events involving or hosted by the National Peace Corps Association (NPCA) or its leadership, including fundraising events, provided that your participation would otherwise be permissible under the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635.808), and where such activities would continue to promote and maintain a positive relationship between Peace Corps and the Returned Peace Corps Volunteer (RPCV) community or would otherwise advance or promote the programs and activities of Peace Corps.

This waiver does not extend to your participation during the applicable two-year period in any present or future Peace Corps cooperative agreement, contract, or other funding mechanism between Peace Corps and NPCA, nor to any other particular matters that would directly and predictably affect NPCA's financial interests.

**DISCUSSION AND ANALYSIS**

Under President Obama's Executive Order 13490 (January 21, 2009), you are required to sign and abide by terms set forth in an Ethics Pledge.

Under the Pledge, Section 1, Paragraph 2, because of your service on the board of directors of NPCA during the two-year period prior to the date of your appointment as Director, you may not participate in any particular matter involving specific parties that is directly and substantially related to NPCA. This restriction extends for a period of two years from the date of your appointment.

However, in accordance with Section 3 of the Executive Order and pursuant to my authority, as delegated by the Director of the Office of Management and Budget (DO-09-008), I have determined that it is in the public interest to grant you a limited waiver from the restriction in the Pledge in order to enable you more effectively to carry out your duties as Peace Corps Director.

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This waiver will enable you to attend, participate in, or speak at meetings, conferences, or other events involving or hosted by the NPCA or its leadership, including fundraising events, provided that your participation would otherwise be permissible under the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635.808), and where such activities would continue to promote and maintain a positive relationship between the Peace Corps and the Returned Peace Corps Volunteer community or would otherwise advance or promote the programs and activities of the Peace Corps, as determined in consultations between you and agency ethics officials.

Under terms negotiated with and agreed to by the Office of White House Counsel, this waiver does not extend to your participation, during the applicable two-year period, in any present or future Peace Corps cooperative agreement, contract, or other funding mechanism between Peace Corps and NPCA, nor to any other particular matters that would directly and predictably affect NPCA's financial interests.

Peace Corps promotes world peace and friendship by making trained Volunteers available to interested countries overseas to help meet their needs, particularly in meeting the basic needs of those living in the poorest areas of such countries. *See* 22 U.S.C. 2501(a)

It is also Peace Corps' statutory goal to promote a better understanding of other peoples on the part of the American people (Third Goal). As a key part of its effort to meet this goal, Peace Corps has historically encouraged and relied on Returned Peace Corps Volunteers to work actively in a variety of areas and activities, including sharing their experiences with other Americans when they return through Peace Corps programs such as World Wise Schools and through group and individual activities in their communities. In addition, recognizing the value Returned Volunteers can have in efforts to recruit new Volunteers, Peace Corps has actively sought (and received) assistance from them in connection with its recruitment and outreach activities.

Promoting and maintaining a positive relationship with the community of Returned Volunteers is therefore critical to Peace Corps' mission. The Director of the Peace Corps, as the head of the agency and its most public face, plays a vital and necessary role in this effort. The inability or failure of a Director to participate in activities involving RPCVs would raise questions within the Returned Peace Corps Volunteer community. The Director's interaction with Returned Volunteers and their organizations is likely to be of particular importance as Peace Corps approaches its fiftieth anniversary in 2011.

In this regard, NPCA is the only nation-wide umbrella organization representing Returned Peace Corps Volunteers and/or their respective membership organizations. NPCA is a 501(c)(3) organization, a part of whose stated mission is to "connect, inform, and engage people impacted or inspired by Peace Corps." In addition to its individual members, NPCA has about 70 member groups of RPCVs, grouped by geographical area or by country of service. The NPCA has historically provided direct assistance to Peace Corps by providing support for recruiting activities and promoting Peace Corps' Third Goal.

That NPCA is presently the only nationwide group representing RPCVs significantly reduces the likelihood of perceived partiality at the expense of similarly situated groups. Moreover, most particular matters involving parties relating to NPCA are not likely to involve highly controversial issues.

Due to the scope of Section 2 of the Order, a broad application of its prohibition would be detrimental to the Peace Corps because it would preclude you from participating in a wide variety of matters involving the largest (and only nationwide) organization of Returned Peace Corps Volunteers, thereby diminishing your ability to take a visible leadership role in working with Returned Peace Corps Volunteers and advancing Peace Corps interests with this vital universe of stakeholders. This in turn could adversely affect Peace Corps' important efforts to promote and encourage RPCV assistance in recruiting, outreach, and Third Goal activities.

### **CONCLUSION**

I have determined that, because of the nature and importance of the Peace Corps Director as a spokesman and link to Returned Peace Corps Volunteers, it is in the public interest to grant you a limited waiver, as set forth herein, in accordance with Section 3 of Executive Order 13490. This waiver has been approved by the Office of White House Counsel.